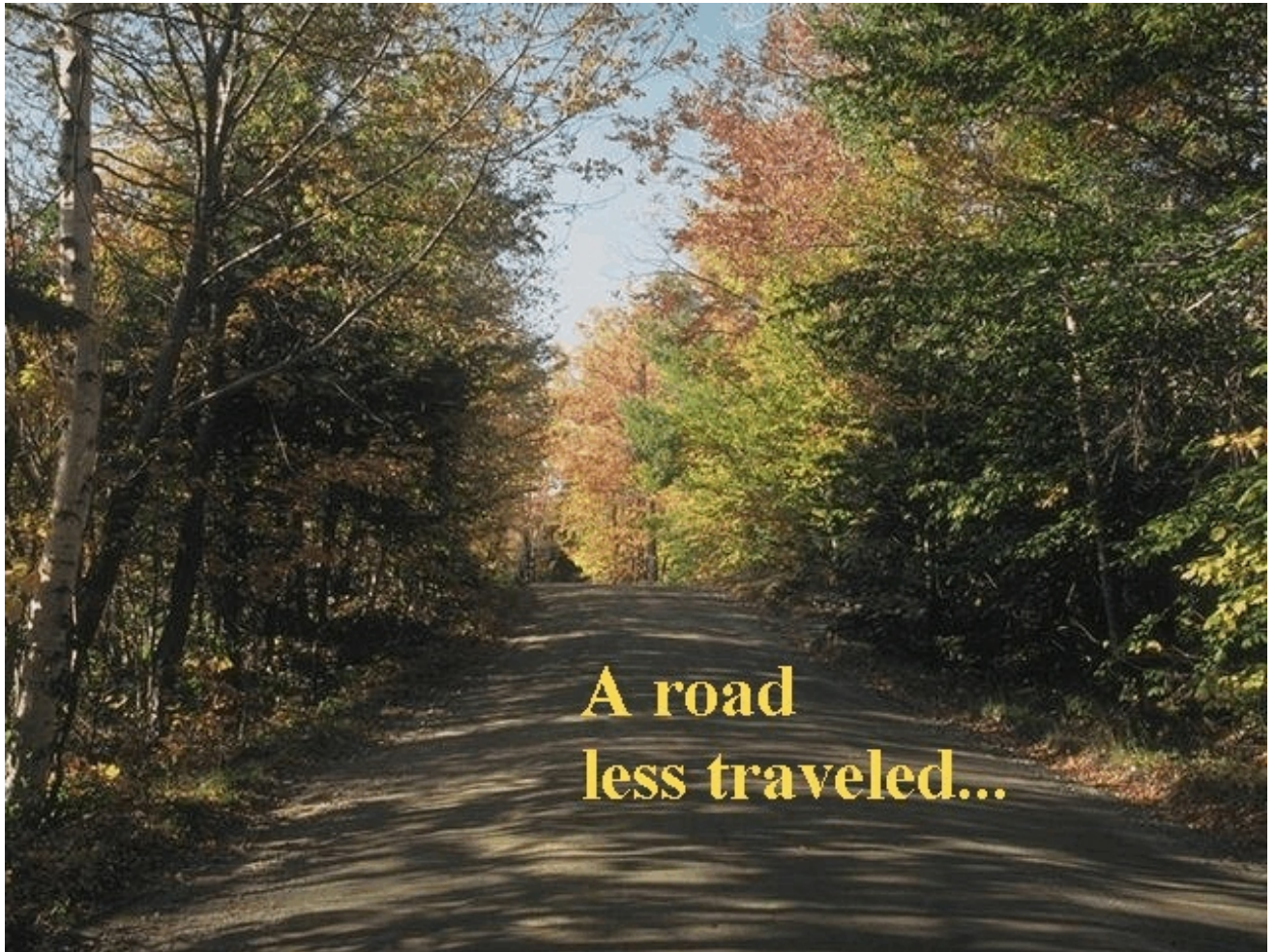


# **U.S. PROBATION & PRETRIAL SERVICES DISTRICT OF NEW HAMPSHIRE**

## **2005 ANNUAL REPORT**





## **2005 ANNUAL REPORT**

### **U.S. PROBATION AND PRETRIAL SERVICES OFFICE DISTRICT OF NEW HAMPSHIRE**

**SEPTEMBER 30, 2005**

#### **TABLE OF CONTENTS**

☆	<b>Message from the Chief . . . . .</b>	<b>3</b>
☆	<b>Mission Statement . . . . .</b>	<b>4</b>
☆	<b>District Overview . . . . .</b>	<b>5</b>
☆	<b>Administrative Services . . . . .</b>	<b>7</b>
☆	<b>Pretrial Services . . . . .</b>	<b>9</b>
☆	<b>Presentence Services . . . . .</b>	<b>13</b>
☆	<b>Post Conviction Supervision Services . . . . .</b>	<b>15</b>
☆	<b>Automation . . . . .</b>	<b>23</b>
☆	<b>Training . . . . .</b>	<b>23</b>
☆	<b>Employee Recognition . . . . .</b>	<b>25</b>

## MESSAGE FROM CHIEF

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January 12, 2005 was one of the most significant days in the federal sentencing system since 1987 when sentencing guidelines were implemented. The U. S. Supreme court ruled that the sentencing guidelines were no longer "mandatory." The ruling came in United States v. Booker and United States v. Fanfan, consolidated cases that became known as "Booker." The court ruled 5-4 that judges are no longer required to follow the guidelines' ranges when imposing sentences, however, it did not throw out the guidelines completely, ruling in a second part of the decision that judges must continue to consult them. The ruling helps to explain a decline in the number of completed PSR investigations for the fiscal year as defense counsel and the government took a cautious approach to plea negotiations, opting instead to see how the decision would play out across the system. While no longer mandatory, guideline sentencing reports (PSR) are prepared now as "advisory" guidelines for the court to consult in the sentencing process. Consequently, we have added a new section to the PSR, Part F, "Factors that may warrant a sentence outside of the advisory guideline system."

With the exception of the PSR investigations completed decline noted above, case activity in both the Pretrial Services Unit and the Supervision Unit combined saw average increases of about 4.5% across the board during FY '05. Pretrial Services ended the fiscal year with 295 case activations, a new high for the unit. In spite of the increase in activity, the results indicated that 83.5% of all defendants were successful in completing their term of pretrial supervision. The Supervision Unit ended the fiscal year with 234 individuals on post release supervision, just two cases shy of the previous high of 236 set in FY 2002. Approximately 69% of all sentenced offenders successfully completed their term of probation/supervised release. Given that our district is experiencing increases in offenders with significant criminal histories combined with established patterns of drug, alcohol or mental health issues, the successful completion rate is commendable. The proactive and focused collection by officers and administrative staff of court imposed financial sanctions resulted in the collection of more than \$257,000 in fines and restitution with a 90% compliance rate amongst offenders with financial conditions.

Significant effort was expended during the fiscal year toward the long standing, but unfulfilled goal of establishing a federal halfway house in the district, specifically in Hillsborough County. During the fiscal year, a number of hearings were held before the Manchester Zoning Board in an effort to gain a zoning variance for two prospective locations within the city of Manchester. In early 2005, both applications were denied by the Zoning Board. One vendor, however, elected to challenge the Zoning Board decision and filed an appeal with the Hillsborough County Superior Court in March 2005. At the end of the fiscal year, litigation was still pending regarding the Board's decision. In addition, funds were approved by Congress to construct a federal prison in Berlin, NH to house approximately 1,400 offenders. If and when that facility comes on line, the need for a halfway house presence in the district will become even more pronounced.

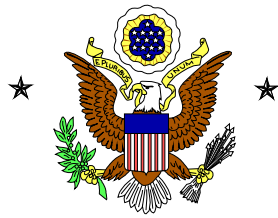
On a personnel note, two individuals who contributed much to the district retired during the fiscal year. Deputy Chief Peter Russo retired on October 31, 2004 after more than 26 years of service. He was first appointed as a probation officer in 1978 and was selected to be the district's first deputy chief in 1995. Drug Testing Technician Steve Hankard also retired in FY '05. Following a successful career in law enforcement, Steve began his tenure in the district in 1997 and was instrumental in organizing and overseeing the district's drug testing program.

In summary, the district continues to do its best to manage the steady, consistent increasing workload activity admirably. Once again, our staff has demonstrated the "can do" attitude and cross unit collaboration that is so vital in an environment of burgeoning case activity and finite resources. My collective thanks to all for a "job well done."

Sincerely,

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Thomas K. Tarr  
Chief U.S. Probation Officer  
District of New Hampshire



# **U.S. PROBATION AND PRETRIAL SERVICES DISTRICT OF NEW HAMPSHIRE**

## **MISSION STATEMENT**

It is the mission of the U.S. Probation and Pretrial Services Office for the District of New Hampshire, as a component of the federal judiciary responsible for community corrections, to provide protection to the citizens of New Hampshire and to assist in the fair administration of justice.

## **GUIDING PRINCIPLES**

We believe ...

- ★ In protecting the community while offering every offender the opportunity for meaningful change.
- ★ In being sensitive to victims' concerns and responsive to their needs.
- ★ In pursuing proactive change and continuous improvement in our quest for quality.
- ★ In seeking justice through integrity, honesty, and fairness.
- ★ In promoting collaboration and communication within the office and with other agencies.
- ★ In recognizing, rewarding, and developing every staff member.

## **VISION**

The U.S. Probation and Pretrial Services Office for the District of New Hampshire strives to exceed the highest ideals in community corrections.

## DISTRICT OVERVIEW

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The U.S. Probation & Pretrial Services Office for the District of New Hampshire is a combined office located in the Warren B. Rudman U.S. Courthouse, Concord, New Hampshire. Twenty-one staff members, including a chief, deputy chief, three supervisors, ten probation officers (including the Drug Alcohol Treatment Specialist), one part-time drug testing technician, one Probation Officer Assistant, one part-time student contractor, one administrative officer, and four support staff are permanently assigned to this location. The office also shares with chambers and the Clerk's Office a six member automation unit and pays the salary of one of the unit's staff members. Since 1997, the district has also operated a small sub-office in the Norris Cotton Federal Building<sup>1</sup> in Manchester, New Hampshire. This office, situated in Hillsborough County where the greatest number of federal offenders reside, is used on a rotating, as-needed basis by officers. No staff member is permanently assigned to the Manchester office.

The office serves the U.S. District Court for the District of New Hampshire which consists of three full-time judges and one full-time magistrate judge. Investigative services in the form of pretrial services reports and presentence investigation reports are one aspect of the office's responsibilities to the Court. Supervision services of pretrial defendants and postconviction offenders (i.e., probationers and supervised releasees) are the second aspect of the office's responsibilities. The office also supervises parolees and military parolees under agreement with the U.S. Parole Commission, and provides investigative and supervision services to the U.S. Attorney's Office for its Pretrial Diversion Program. The office is responsible for all such matters in the state of New Hampshire, an area of approximately 10,000 square miles.

The chief probation officer is the unit executive responsible for all administrative functions, personnel, and budget. The Deputy Chief and Administrative Officer report directly to the Chief. Additionally, a management team consisting of the Chief, Administrative Officer, Deputy Chief, and the three unit supervisors exists to address all office management issues, including inter-unit cooperation, resource allocation and planning, intra-office communication, training and automation needs, and other issues having an office-wide impact. The management philosophy is a marriage of the notion of continually seeking to improve the quality of our services to the Court and public ("Total Quality Management") and of seeking to become more efficient through modification of processes to accomplish our work ("Process Improvement").

As rendered in the Organizational Chart on the following page, the office is organized to accomplish its mission by trifurcation of its major functions: pretrial, presentence, and supervision services. Although each officer is assigned to an individual unit, it is the office philosophy that, because the district is small by national standards, every officer serves the Court best if he or she is able to perform all of the major functions of the office. The Deputy Chief is essentially the operations manager over the three units, with a supervisor as head of each of the three units. The Drug and Alcohol Treatment Specialist administers the office's contracts with treatment providers in addition to carrying out other treatment related responsibilities. One clerical support staff member is assigned to each of the units with one clerical support staff member who serves both the presentence and supervision units.

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<sup>1</sup>On June 4, 2004, due to renovations that were to take place at the Cotton Building, the U.S. Probation Office, along with other prior tenants of the Cotton Building, moved our operation to 1000 Elm Street in Manchester, New Hampshire.

Insert 2005 Excel Org Chart.....will have to be done in Excel.....

## ADMINISTRATIVE SERVICES

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### Personnel Changes and Highlights

As mentioned in the FY '04 Annual Report, the District had begun planning for a major change in its personnel makeup for FY '05. Upon the passing of the Judiciary's Budget for FY '05, the district moved forward with those promotions that were outlined in FY '04.

- Deputy Chief U.S. Probation Officer Peter P. Russo's retired after 26 years of service to the District of New Hampshire on October 31, 2004.
- Supervising U.S. Probation Officer Clayton J. Foster was officially promoted to Deputy Chief U.S. Probation Officer.
- Drug and Alcohol Treatment Specialist James P. Bernier was promoted to Supervising U.S. Probation Officer in charge of the Supervision Unit.
- U.S. Probation Officer Karin K. Kinnan was promoted to the district's Drug and Alcohol Treatment Specialist.
- Sr. U.S. Probation Officer Cathy Battistelli's position was re-classified to that of Supervising U.S. Probation Officer.
- Sr. U.S. Probation Officer Daniel Gildea's position was re-classified to that of Supervising U.S. Probation Officer.
- U.S. Probation Officer Assistant Erica Carpenter was hired and assigned to the Presentence Unit.
- Drug Testing Technician Steve Hankard resigned on September 30, 2005 after eight years of employment with the District.

### Budget

The office's budget increased by 11.4% over FY '04. Salaries and Contractor Fees accounted for the vast majority of that change (8.3%). As noted in FY '04 Treatment Services showed a significant drop (-13.4%). However, in FY '05 the District's expenditures in this area returned to more "normal" levels. In addition, the expenditures for Automation increased from FY '04 by (50.4%) bringing that figure closer to what has been a normal expenditure in this area. The table below provides details in each of the budget categories:

EXPENDITURES				
	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>
Salaries/Contractor Fees	\$1,246,297	\$1,312,551	\$1,439,929	\$1,559,506
Operations	81,372	61,022	61,137	79,222
Treatment Services	233,697	215,034	186,202	217,823

Furniture & Equipment	180	8,885	3,417	24,289
Telecommunications	21,299	21,964	24,658	24,289
Automation	48,845	39,182	20,060	30,164
<b>TOTALS</b>	<b>\$1,631,690</b>	<b>\$1,658,638</b>	<b>\$1,735,403</b>	<b>1,933,821</b>

### **Treatment Services Expenditures**

Treatment services continue to be the District's second highest expense. As reported in FY '04, the District experienced a significant drop in this expenditure during that time frame. As stated in last year's report, we believe the concerted efforts put forth by the supervision unit officers in collecting co-pay from offenders was a significant contributing factor in why this occurred. However, as detailed below, even though the office's efforts to have offenders contribute to the cost of their treatment, to the best of their ability, our treatment services expenditures have increased during FY '05 by 17%. The largest percentage increase took place in expenditures for mental health services. That line item showed a marked increase of slightly more than 138%. However, even with this increase, the expenditure for this services is still significantly below expenditures experienced in FYs '02 and '03. This increase can, we believe, be attributed to more precise billing procedures be put in place to more accurately reflect the services being provided by our treatment vendors. Drug Aftercare services, which account for nearly 80% of the total expenditures also increased by 15.6% and is higher than any of the prior three fiscal years as shown in the table below.

The following table reflects the breakdown by category of the various treatment services carried out by the office:

<b>TREATMENT SERVICES</b>				
	<u><b>2002</b></u>	<u><b>2003</b></u>	<u><b>2004</b></u>	<u><b>2005</b></u>
Drug Aftercare	\$113,999	\$110,251	\$104,935	\$121,286
Pretrial Services	62,174	52,318	66,685	71,771
Electronic Monitoring	2,100	7,588	6,679	5,921
Mental Health	55,424	44,877	7,903	18,845
<b>TOTALS</b>	<b>\$233,697</b>	<b>\$215,034</b>	<b>\$186,202</b>	<b>217,823</b>

Pretrial Services experienced an increase of 7.6% in their treatment expenditures. This figure is a result of the type of street level drug dealers that have come under supervision of the pretrial unit based on the initiatives of the U.S. Attorney's Office. Overall, pretrial saw an increase of 4.1% over last years case activations. Of the cases activated, approximately 50% of these cases resulted from controlled substance offenses and therefore required substance abuse intervention for those released to pretrial supervision.

### **Management Team**

The office's Management Team, consisting of the chief, deputy chief and three unit supervisors continued to address a number of issues of office-wide impact during the year. Most noteworthy were the following matters:

Management of Burgeoning Caseload. As recounted elsewhere in this report, the Pretrial and Supervision Units experienced caseload growth in FY '05 of 4.1% and 4.9%, respectively. For the first time in many years, the number of presentence reports completed by the office fell. The office experienced an unprecedented drop of 18% in the number of presentence reports completed by the presentence unit during the fiscal year. It is believed that the main reason for this drastic downturn in numbers was a direct result of attorneys awaiting a decision on the *Booker/FanFan* cases.

As previously noted in this report, the Management Team was able to hire a Probation Officer Assistant to assist the presentence unit for FY '05 as well as preparing for the pending retirement in April 2006 of U.S. Probation Officer Denis Linehan. Expecting that the investigation numbers would again begin to rise, as the pretrial numbers would indicate, the Management Team has continued to review the financial ability of the office to replace the Probation Officer Assistant position for FY '06 to again provide what was a valuable assistance to the officers assigned to the presentence unit.

The cost-containment initiative, that was promulgated by the Administrative Office to deal with budget shortfalls, has been a contributing factor to current workload issues and as with most probation offices has been a hindrance in responding to rising work loads. As a way of explanation, it is important to know that the probation system is a back loaded system. That is to say, the probation office is staffed based on work load credits derived from work that was completed during a prior four quarter work extraction (ending June 30 of each year) and then adjusted by the cost containment calculus.<sup>2</sup> So that during times of heavy workload, the current staff must find ways to accomplish the work knowing that the additional staff will only be realized (budget permitting) during the following fiscal year.

The resignation of Drug Testing Technician Steve Hankard provided an opportunity for the Management Team to reallocate funds from Mr. Hankard's salary, along with funds be expended on an answering service for the District's Drug Call-In Program to more automated system and additional personnel. The planned Drug Call-In Program upgrade is discussed in more detail in the automation section of this report.

With that being said, the Management Team is committed to finding ways to address the work load issues that arise without jeopardizing the work quality that the Court has come to expect.

## **PRETRIAL SERVICES**

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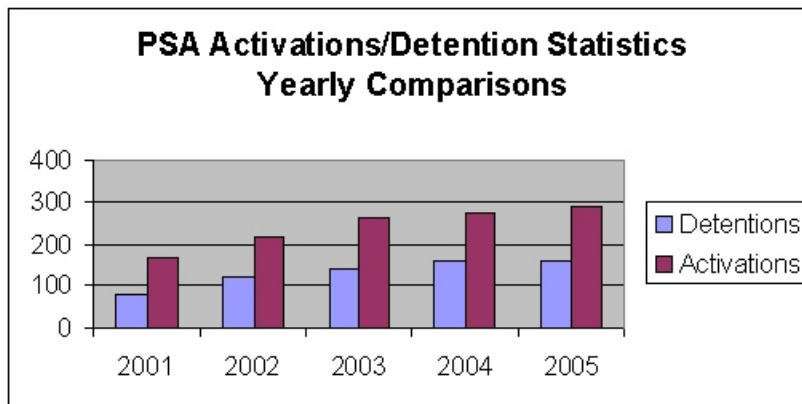
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### **Investigation Caseload**

FY '05 ended with a total of 295 case activations, a 4.1% increase over FY '04. The U.S. Attorney's Office has advised this office that they intend to continue to aggressively prosecute criminal cases, and they again have the goal of increasing criminal filings by 10% during FY '06. The following graph, which also includes detentions, depicts pretrial case activations over the last five fiscal years:

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<sup>2</sup>Some of the cost-containment rules include the 10% rule for presentence investigation reports. Ten percent of the total figure of presentence investigation reports completed by a district are counted as "modified" reports (regardless of whether such reports were ordered) and therefore receive no work load credit. The pretrial and supervision units have reduce credit formulas attached to their workload as well where certain cases receive only half credit.



Controlled Substances	143	Embezzlement	1
Fraud	57	Sex Crimes	8
Robbery/Burglary	15	Auto Theft	0
Firearms	33	Assault	0
Larceny/Theft	5	Forgery	4
Immigration	4	Miscellaneous	12
Counterfeiting	0	Federal Statutes	5

### **Detention Rate**

The District's detention rate<sup>3</sup> for the year ending September 30, 2005 was 55.3%, which is a decrease of 2.8% from FY '04's 58.1%. The District's FY '05 rate is still one of the lowest of all courts in the First Circuit and still well below the national rate of 74.5% for the same period. The cost of detention for the U.S. Marshal Service was \$1,608,550, a decrease from the \$1,622,100 figure FY '04. This office continues to keep the Court informed of alternatives to detention, such as electronic monitoring and home detention, and submits such recommendations when appropriate. The office has once again renewed its efforts to secure a comprehensive sanctions center within the State of New Hampshire, which could possibly have a significant positive impact on the District's overall detention rate.

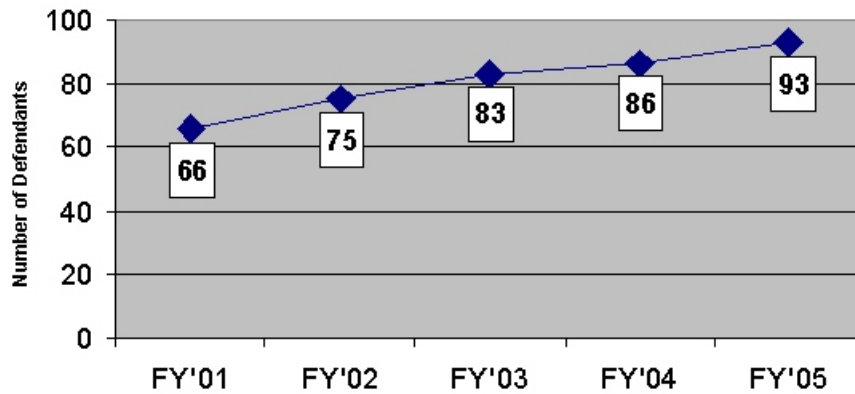
### **Supervision Caseload**

A total of 95 cases were released to pretrial supervision during FY '05. On September 30, 2005, 93 offenders were on pretrial supervision as opposed to 86 on September 30, 2004. This represented an increase over last year of 8%. As indicated in the prior annual reports, this caseload increase is a continuation of the trend the U.S. Probation Office has experienced due to prosecution initiatives of the United States Attorney's Office.

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<sup>3</sup>Detention is defined as defendants detained and never released.

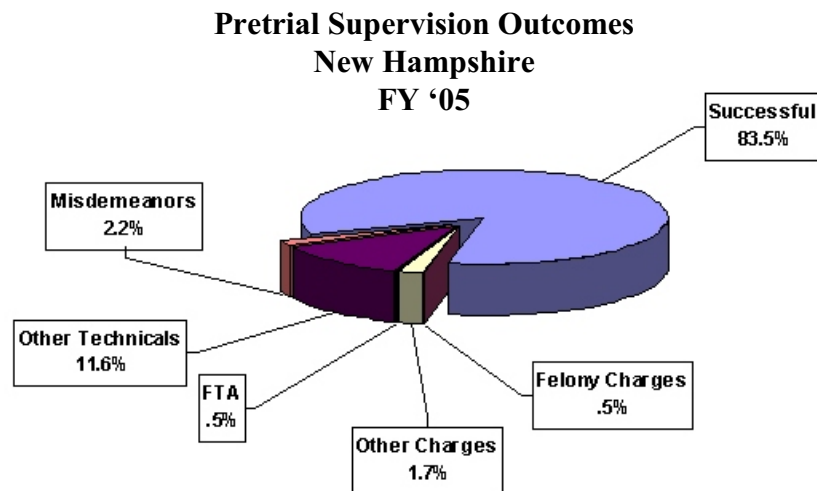
### Pretrial Supervision Caseload FY '01 to FY '05



### Pretrial Supervision Outcomes

The following charts depict, in the District of New Hampshire and nationally, the breakdown of successful pretrial supervision outcomes from unsuccessful outcomes. The former is defined as a case which reaches adjudication without revocation of release. The latter is the opposite, i.e., a case where pretrial supervision was revoked on the basis of a new felony or misdemeanor charge, a failure to appear, or a technical violation of the conditions of release.

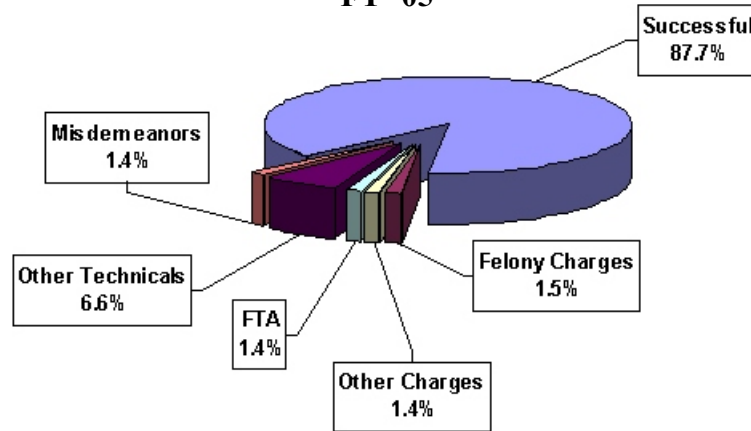
In the District of New Hampshire, during FY '05, a total of 109 cases for defendants released to the community were closed. The supervision outcomes<sup>4</sup> were as follows:



Nationally, 36,769 cases of defendants who had been released to the community were closed during FY '05. Supervision outcomes nationally were:

<sup>4</sup>This information was developed by utilizing the data found in Tables H-11, 11A, and 12 for the twelve month period ending September 30, 2005.

### Pretrial Supervision Outcomes National FY '05



### Pretrial Diversion Program

Eight cases were placed into the Pretrial Diversion Program in FY '05.

### Unit Goals/Outcomes

The pretrial unit focused on a variety of unit goals during FY '05 in an effort to improve operations and services. Those goals and outcomes are as follows:

- Achieve prebail interview rate (exclusive of interview refusals) of 85%.

*Achieved. The unit was successful in achieving this goal (96.5%). The refusal rate was 4.2% and the rate of people not interviewed was 9.42%; both the refusal and not interviewed rates were slightly improved this year. The overall rate is up from 88%, which is a significant improvement.*

- Complete the transition plan by March 31, 2005 for USPO Kinnan and USPO Lines as well as set up a pretrial training schedule which will begin on or about March 1, 2005 through September 1, 2005.

*Achieved. The unit was successful in accomplishing this goal, and the transition went relatively smooth and uneventful.*

- Schedule unit training within the State of New Hampshire and at NH Police Standard and Training to include interviewing skills, survival Spanish, scenario and officer safety, and Monograph 111 training.

*Not Achieved. The unit was not successful in achieving this goal due to workload and staff transitions that have occurred within the unit and the office. Most of the training focused on unit members leaning their new assignments and the day-to-day activities associated with those assignments. However, with the new district training officer now working within the unit, we hope to revisit this goal this coming year.*

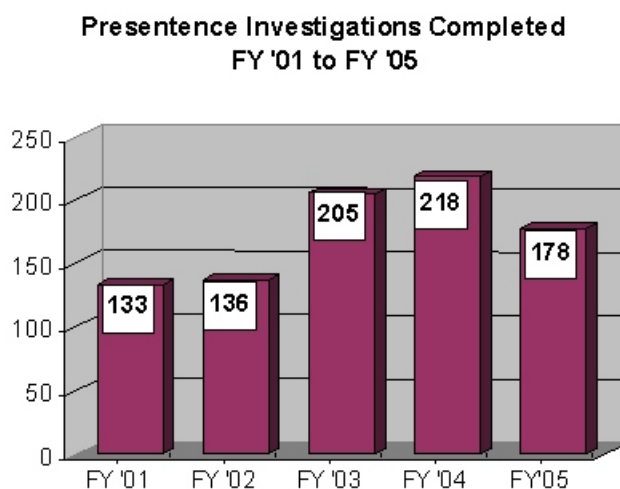
- Clarify duties and responsibilities of DATS<sup>5</sup> officer and pretrial supervisor in pretrial DATS cases and finalize an amendment to Policy and Procedure #S-02 that specifies the clarification by September 1, 2005.

*Partly Achieved. The unit was partly successful in achieving this goal. The duties and responsibilities have been clarified by all parties, however, there have been no amendments to policy and procedure.*

## PRESENTENCE SERVICES

### Investigations and Sentencings

During FY '05, the Presentence Unit completed a total of 178 presentence investigation reports. This represented a decrease of 18.4% over fiscal year 2004. As can be seen in the chart, below, this is the lowest number of completed presentence reports over the last two years:



The Court sentenced 185 defendants during the fiscal year, which represented an 17.8 % decrease over the previous year. However, as opposed to being reflective of a change in the recent years growth patterns, this aberration was seen as the logical outcome of the effects that were being felt nationwide in the federal courts as everyone awaited the Supreme Court's decision on the *Booker/Fanfan* cases.

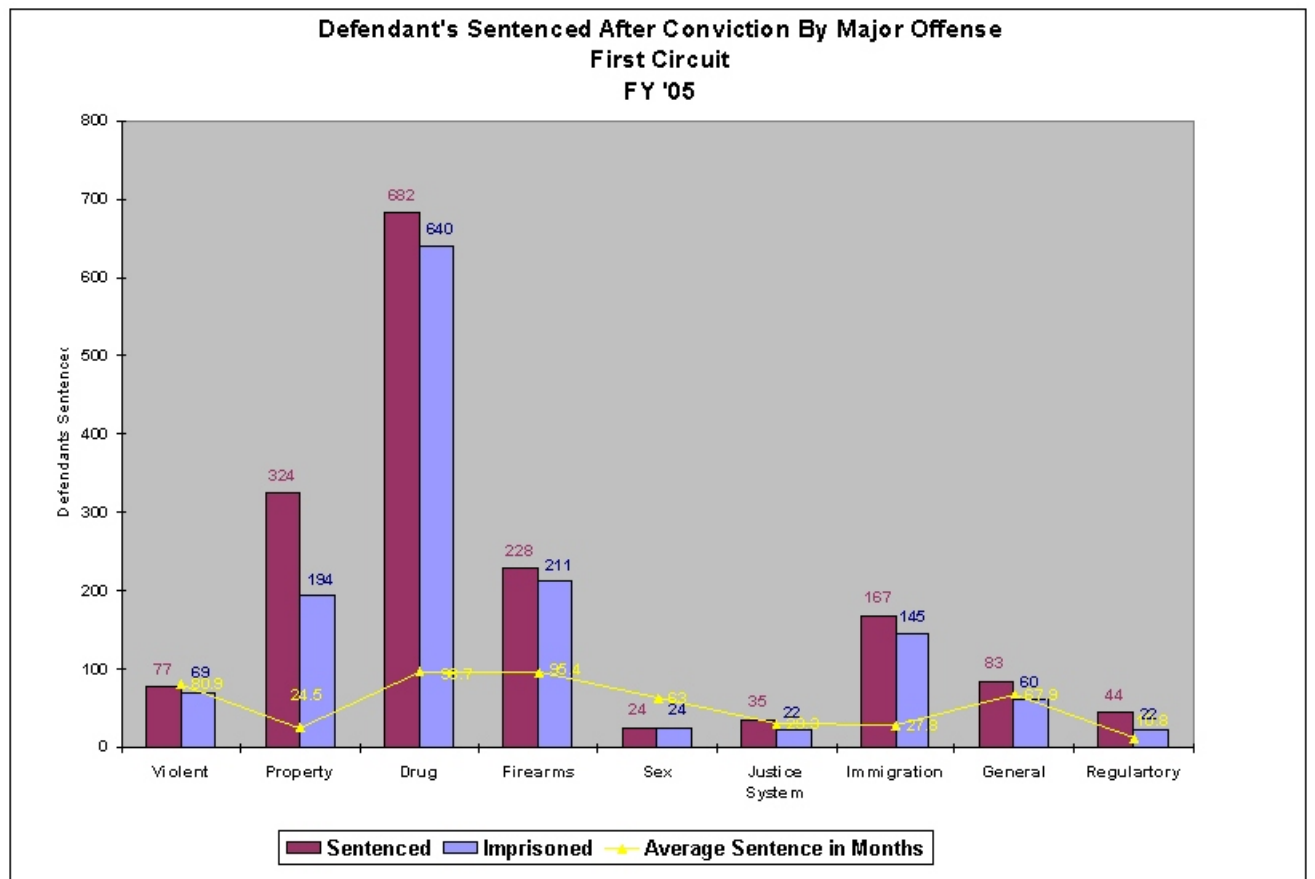
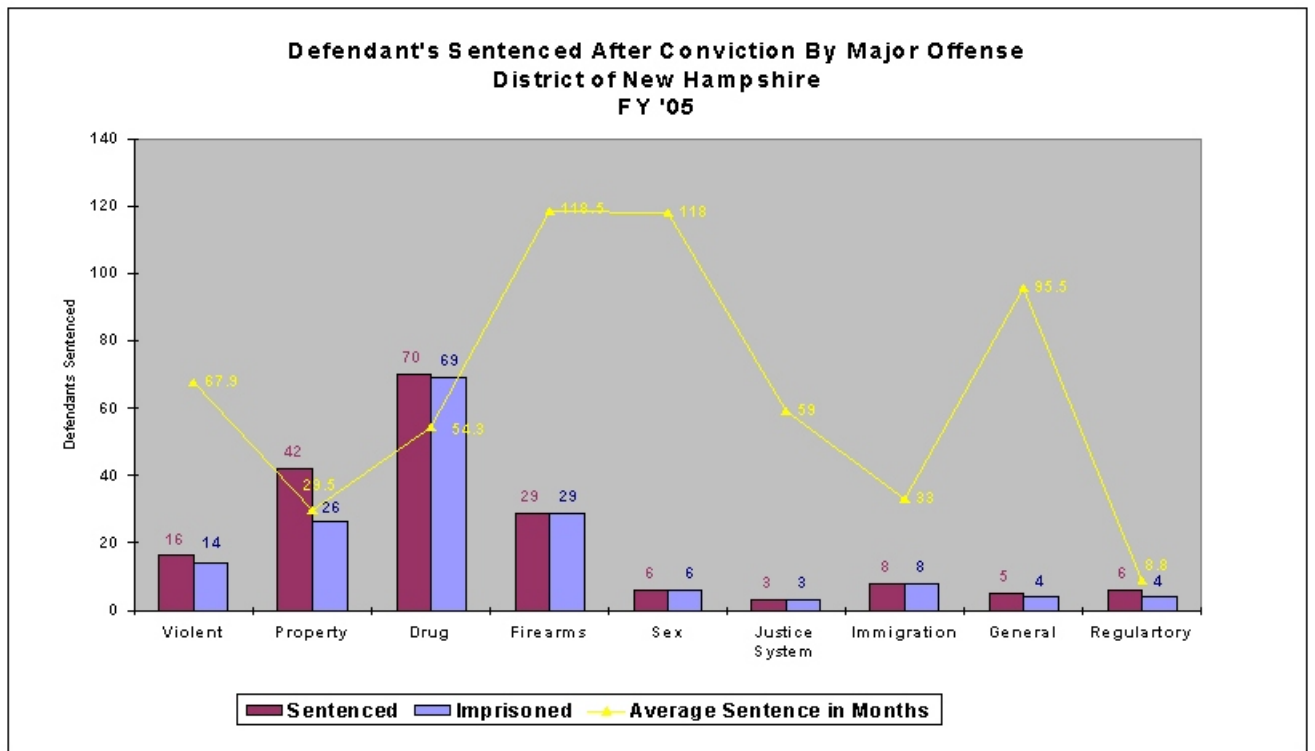
A review of the types of cases sentenced reveals that drug cases, while remaining our highest percentage (38%), was a significant drop over previous years. Sentencing of property offenses which include fraud cases was the second highest category and grew to 23%. This ended the downward trend noted in last year's report. Also showing an increase in prosecution was firearm and explosive cases which accounted for 16%, which is an increase of 5% over FY '04. This increase is attributed to the continued efforts of the U.S. Attorney's Office's Safe Neighborhood Program. The remainder of the cases sentenced represented the panoply of other federal crimes.

Of the 185 offenders who were sentenced 163 (or 88%) received imprisonment while 22 (or 12%) received a sentence of straight probation.

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<sup>5</sup>DATS stands for Drug and Alcohol Treatment Specialist

The average imprisonment sentence imposed by major offenses categories are graphically represented below for both the District of New Hampshire and the First Circuit.



## **Unit Goals/Outcomes**

The Presentence Unit focused on addressing management of the record high number of case referrals while at the same time maintaining the high quality of presentence reports for which the Unit has long been recognized.

- Continue to strive for accurate guideline applications in presentence reports and submit the highest quality reports to the Court as possible.

*Accomplished. Despite the workload, reports continue to be submitted in an accurate fashion. Initial disclosure dates may not be met by unit members due to issues beyond the officers' control, however, final disclosures are being sent to the Court in a timely fashion.*

- Receive zero complaints from the Court and attorneys regarding the quality of the presentence report.

*Accomplished. The Court and attorneys continue to praise the quality of the reports on a regular basis.*

- Provide ongoing training to officers in the area of guideline application, legal issues, financial investigations, and other areas as identified by the unit. As part of this training, members of the unit will attempt to attend national and regional programs.

*Accomplished. Officers attended the IRS financial investigation training in Durham, NH this past fall. Two officers attended the national training in San Francisco, CA. No regional guideline training was held this past year; however, the entire unit attended a Booker/Fanfan and SOR training held in Boston, MA.*

- Begin sending for collateral criminal record requests to other districts prior to change of plea proceedings and resume sending for instate criminal record verification prior to the change of plea.

*Accomplished. One of the prior year goals of hiring a Probation Officer Assistant to assist the unit was accomplished in the fall of 2005. Now both instate and out-of-state criminal record information is being sent for prior to the Change of Plea. In addition, the POA has been compiling the criminal record information into the Part B format for the Presentence Report.*

## **POSTCONVICTION SUPERVISION SERVICES**

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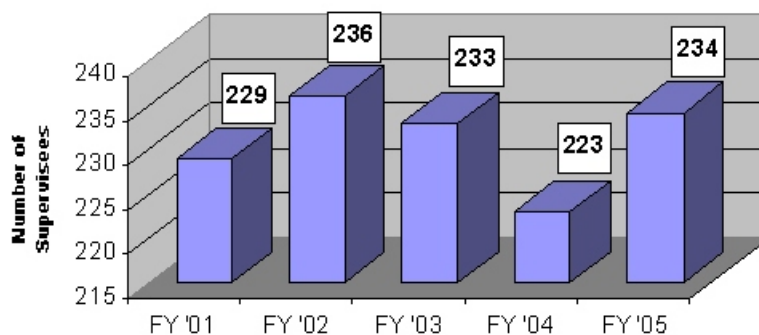
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### **Caseload**

At the end of FY '05, the number of offenders under postconviction supervision increased to 234. This represented an increase of 4.9%.

### Postconviction Supervision Caseload FY '01 to FY '05



In terms of the types of postconviction supervision, the percentage of offenders on supervised release was 79%, probation 15%, and other types of supervision (i.e., magistrate probation, parole, special parole, mandatory release, military parole, and Bureau of Prisons cases) 6%. While the percentages remained relatively stable, there was a 2% decrease in the actual number of probation cases. The case breakdown shows that those on supervised release continued to grow during the past fiscal year. During FY '05, the district experienced a 16.3% increase in the number of supervised release cases supervised. The number of probation cases showed a decline of 42% (felony probation) while Magistrate probation cases dropped by 80%. Offenders who committed drug offenses represented 38% of the total caseload, while the second highest type was for offenders who committed fraud offenses remained at the FY '04 level of 22%, although the district saw an increase of 34% in this category of offender.

### **Supervision Outcomes**

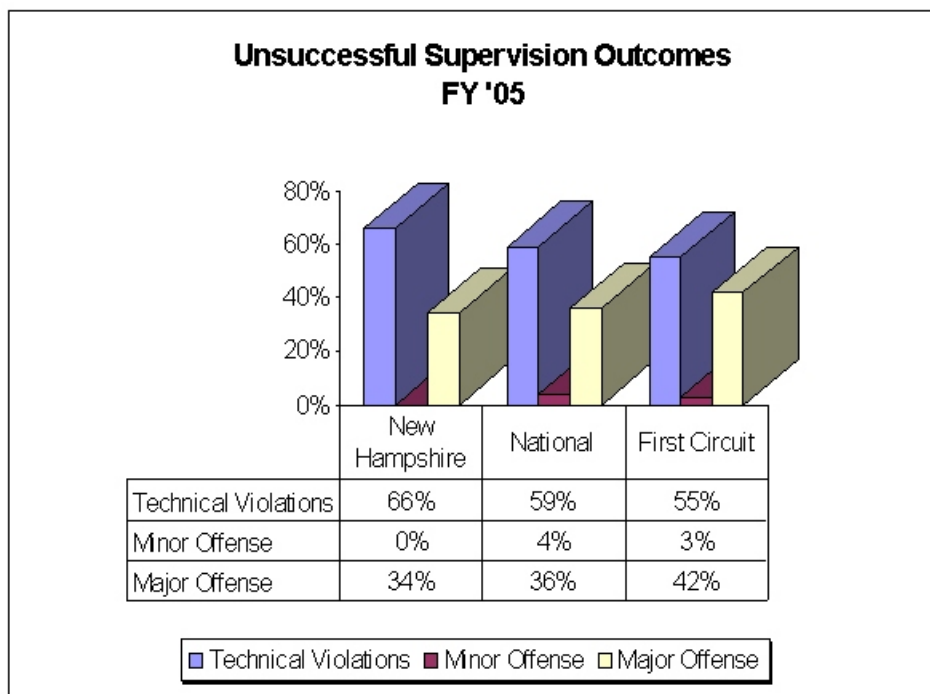
Reliable national and district data are now available for determining postconviction supervision outcomes. A “successful completion” outcome is currently defined as those cases whose original term of supervision expired on their full term date, were terminated via an early termination or completed their term after an extension. Correspondingly, an “unsuccessful” completion was a case whose term of supervision was closed due to revocation.<sup>6</sup> In addition, this year, unlike last, the district was able to secure data for not only the District of New Hampshire and the First Circuit but National figures as well. On the National level, violations are classified as either Technical, Minor or Major in nature.<sup>7</sup> In the District of New Hampshire, 94 cases were closed during FY '05. In the First Circuit, 1,244 cases were removed from supervision. Nationally, 47,101 offenders were removed from supervision during the same time frame. The figures mean that for the District of New Hampshire, we experienced a successful termination rate of 69.15%. Correspondingly, the success rates for the First Circuit and National system were 77.01% and 72.96% respectively. Twenty-nine of the 94 cases that were closed did so as a result of a revocation. Violations are categorized pursuant to the rules found in the U.S. Sentencing Guideline Manual at U.S.S.G. § 7B1.1.

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<sup>6</sup>Cases who were closed due to transfer out of district, became deceased, or whose closing code was “other” were not used in the calculation.

<sup>7</sup>“Minor offenses” represent convictions for offenses for which the sentence is 90 days or less imprisonment, one year or less probation, or a fine. “Major offenses” are violations that include involvement in or conviction of serious offenses (including absconding from custody), arrest on another charge, or convicted and sentenced to more than 90 days imprisonment or more than one year probation.

The following breakdown is based on the most serious grade of violation that was alleged. As indicated below, 66% of the violations were technical in nature. In other words, 20.2% of the total cases closed during FY '05 were closed due to violating a standard or special condition of supervision and not due to new criminal charges. The number of major violations accounted for 34.5% of the violation closings. This represented only 10.6% of the total cases closed during the year for new criminal activity. Traditionally, the number of technical violations far exceed new criminal conduct. The district attributes this to the pro-active work of the officers in the supervision unit. The supervision unit's philosophy of holding offenders strictly accountable to their release conditions is believed to be a reason why only 10.6% of those removed from supervision were done so for new criminal activity.



\*Indicates 1% or less

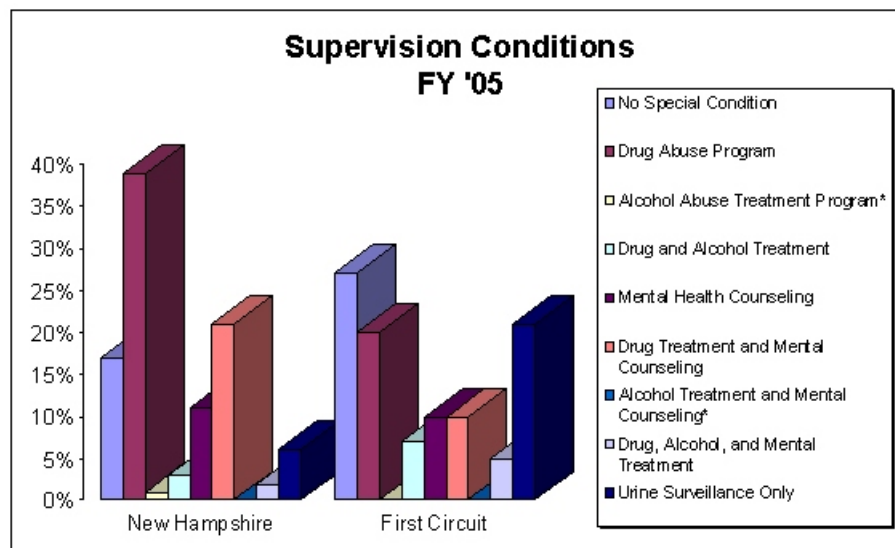
Although, not noted in past Annual Reports, there has been an increased emphasis on early termination of offenders who have succeeded in reaching their personal and court objectives while under supervision prior to their scheduled termination dates with the advent of the new Monograph 109. While this new emphasis finds part of its birth in cost containment, the Monograph 109 proposes that one of the probation officer's goals is to work in preparing the offender for life after supervision and once all of the goals and objectives have been reached by an offender, the probation officer should consider early termination so that he or she may spend their time and efforts more effectively on those offenders still struggling to accomplish this objective. As the probation officers for the District of New Hampshire continue to implement the philosophies of the 109, we have seen a rise in early termination requests recommended and granted by the Court. In FY '05, 14 offenders or 15% of those terminating during the year were closed via early termination.

### **Treatment Cases**

The high percentage of cases requiring substance abuse aftercare and/or mental health treatment continues to pose the greatest challenge for unit officers. As of September 30, 2005, 42.3% of the post-conviction caseload were a result of arrest for drug offenses. This high percentage accounts for the number of treatment

cases that must be handled by each officer. In fact, the percentage of cases on post-conviction supervision for drug related offenses only tell a part of the story. Cases that are brought into this court on other federal crimes often bring with them substance abuse issues that must be dealt with by the supervision officer.

For example, according to figures provided by the Office of Probation and Pretrial Services (OPPS) of the 234 cases on supervision in the District of New Hampshire as of September 30, 2005 only 39 cases had no special conditions for treatment or urine surveillance of some kind. The graph below illustrates how the treatment conditions broke down for offenders on supervision in both the District of New Hampshire and the First Circuit:

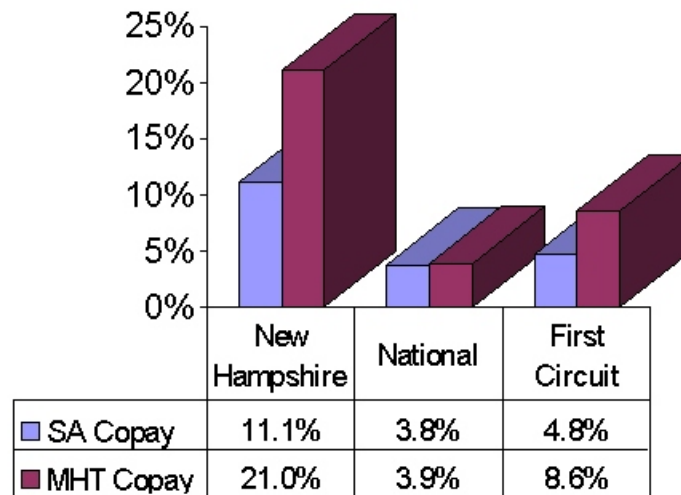


\*Indicates 1% or less

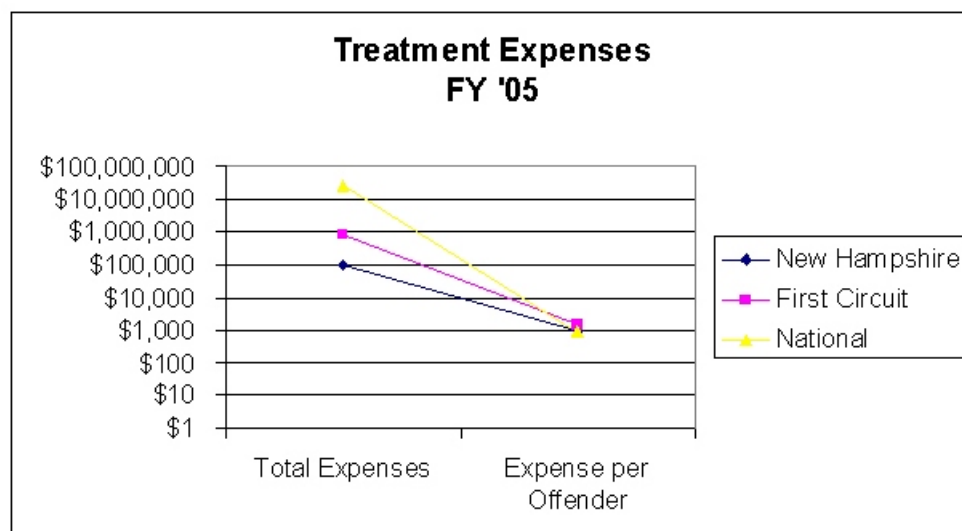
As mentioned elsewhere in this report, the issue of budget shortfalls and cost containment continued to be a major concern and officers in the supervision unit continued in their efforts to obtain copayments from appropriate offenders. The added benefit to this process is that it encourages investment by offenders in their own recovery process. This is viewed as clinically beneficial to the offender and financially advantageous to this office.

Figures received from OPPS indicate that the district spent \$131,182 for substance abuse treatment during the FY '05. Offenders contributed \$14,588 or 11.1% towards their treatment expenses. For our offenders with mental health treatment, the expenditures were \$21,567 with a co-pay amount of \$4,523 or 21%. The graphs, below, will help illustrate how this compares with similar figures in the nation and first circuit:

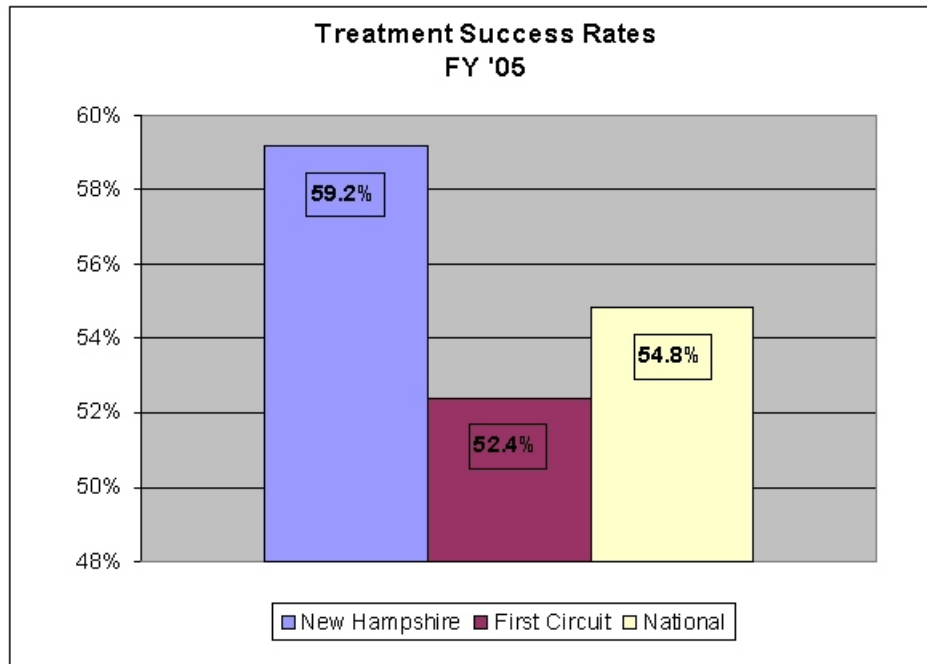
### Substance Abuse and Mental Health Treatment Copayments FY '05



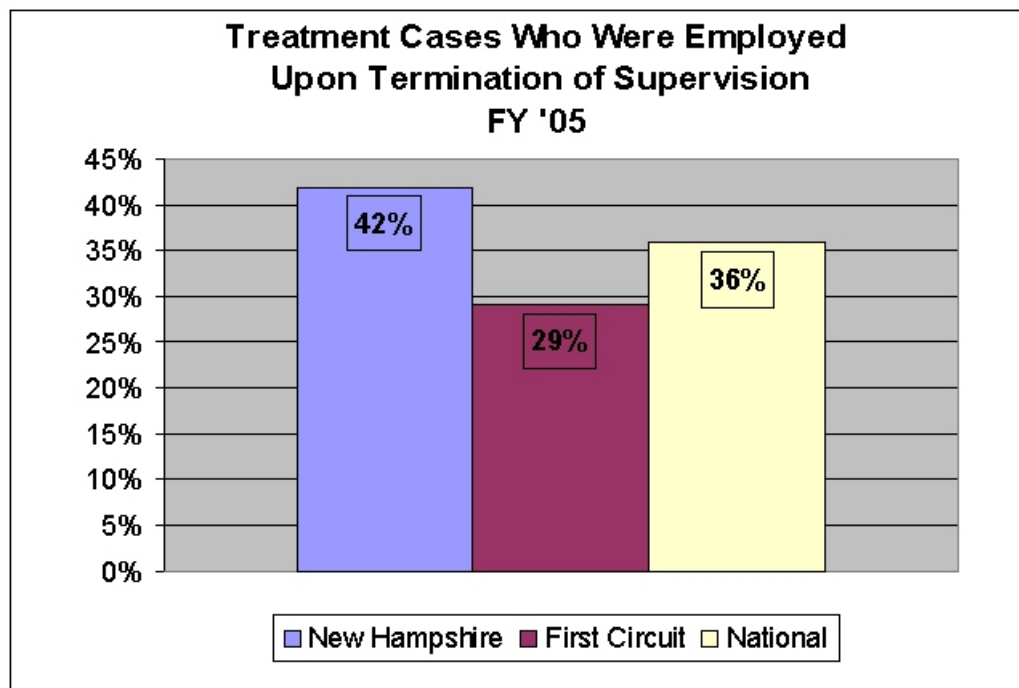
As was noted in previous Annual Reports, the District of New Hampshire continues to be well below the national average in per person expenditures for residential substance abuse, outpatient substance abuse, and mental health treatment services. This comparatively low per person expenditure is attributed to appropriate assessment of offender needs, effective evaluation of the offender's motivation for meaningful change and, matching the acuity of the individual's chemical dependency with the most beneficial treatment modality. The district's DATS officer continued to monitor all of the treatment contracts with an eye to maintaining cost effectiveness and fiscal responsibility. In addition, the individual supervision officers are more fiscally responsible in recommending treatment options with an eye to maximizing our treatment budget through the use of appropriate graduated sanctions and the use of state sponsored treatment funds where applicable. The following chart compares the expenditures for treatment expenses amongst New Hampshire, the First Circuit, and nationally:



An additional indication that the district's approach to treatment cases has been effective is reflected in treatment case outcomes data obtained from the Administrative Office of the U.S. Courts. Finally, 59.2% of those offenders having a treatment condition whose cases were closed in FY '05 were deemed successful. The following chart displays the FY '05 success rate of treatment cases in the District of New Hampshire:



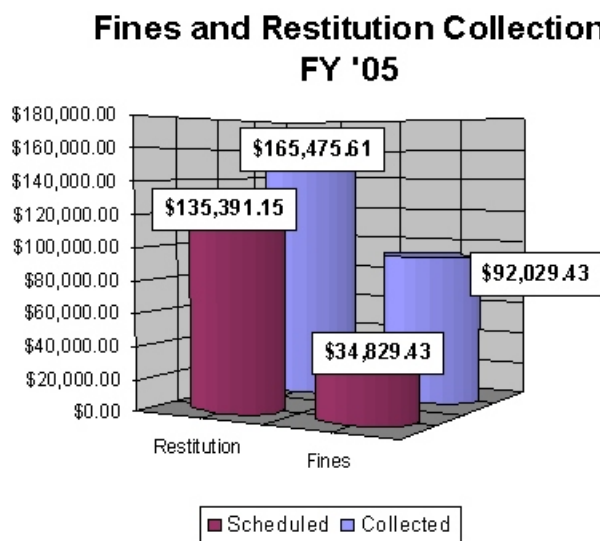
While the above figures are telling, we think another important indicator of success is the percentage of those with treatment conditions who terminated did so employed. Especially for this population, employment is a major step towards a stabilized lifestyle. The chart below provides employment comparison figures for the District of New Hampshire, First Circuit, and Nationally:



## Fines and Restitution Collection

Supervision Unit officers collected a total of \$165,475.61 in restitution and \$92,029.43 in fines for a total amount of \$257,505.04 during FY '05. While this figure represents a combined collection decrease in actual funds collected from the previous fiscal year, last year's totals were somewhat skewed due to large lump sum payments that the district was able to secure. The largest portion of these collections, as the chart below will show, continue to come from the collection of outstanding restitution. The Supervision Unit's ongoing goal that a minimum of 90% of those on supervision with an outstanding financial debt will make a monthly payment towards their outstanding court ordered debt greatly contributes to the success we, as a district, have had in this area. To assist in the achievement of this goal, offenders are required to have a payment schedule in place that has been approved by the Court. These payment schedules provide the unit officers with an identifiable collection goal. In addition, the officers continuously review these payment schedules to insure they are collecting the maximum amount possible. Further, the unit continues to monitor each offender's financial situation so that any windfall profits may be secured on behalf of the victim, in the case of restitution, or the Court, in the event of a fine. This allowed the unit to collect an unprecedented 122% more than what was scheduled in restitution. Last year, officers collected 99% of the funds that were scheduled to be collected for fines. This was increased to 264% in FY '04.

As always, the district will continue working with the Financial Litigation Unit of the U.S. Attorney's Office to increase collection receipts. Below is a graphic representation of the efforts by the officers in the district regarding collection of court ordered fines and restitution. The following graph shows the amount collected in each category vis-a-vis the amount that was to be collected under the payment schedules:



## Unit Goals and Outcomes

- Continue to maintain 90% or better rate of response to positive substance abuse test 5 day requirement.

*Achieved: All officers continued to perform above the 90% level with regard to a 5-day response to positive drug screens. Recommendations included written warnings, increased urine surveillance and treatment, modifications of supervision, and revocation proceedings. In all cases, the Court was notified relative to the positive test result via PF 12A, B and C along with a recommended course of action.*

- Maintain a rate of 90% or better of individuals who have financial obligations who are making a monthly payment towards that obligation. The figures marked with a “\*” represent cases in and out of state supervised cases.

Achieved      Special Assessments: 78 total cases; 7 revoked, 2 deported; 3 disabled SSDI; 1 deceased; 1 fugitive; 78-17 = 64 cases. Of those 64 cases, 55 paid = 86% (\$5,678.97)

Fine: 19 total cases; 18 paid = 95% (\$92,029.43\*)

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Restitution: 55 cases ; 1 paying SA first; 4 revoked; 1 NH Hospital; 1 fugitive; 4 disabled SSDI; 55-11=44 cases. Of those 44 cases, 39 paid = 89% (\$263,184.01\*)

Combined Average: 90%

- Maintain a co-payment rate of 80%, or better, for those involved in substance abuse/mental health treatment.

*Not Achieved: For Fiscal Year 2005 of the 122 cases that received substance abuse and/or mental health treatment, 83 had co-payment responsibility, or 68%. (Note: while this failed to meet the 80% goal this is a marked increase over the 57% achieved in FY '04).*

***Factors impacting the co-payment rate:*** Many of these cases are releasing with no residence or employment plan and are essentially homeless/indigent. Co-payment for treatment is also behind special assessments, fines, restitution and child support in the collection order.

- Set training goals that are specific to the supervision process and work together as a unit to plan and facilitate the training.

*Achieved: With an infusion of new energy and ideas, along with the financial support from CUSPO, a firearms training “team” emerged during FY 2005. Two officers are projected to attend DFI (District Firearms Instructor) training at FLETC (the U.S. Probation Office’s new academy located at the Federal Law Enforcement Training Center in Charleston, SC) in September 2006. In addition to Spring/Fall re-qualifications, we managed to conduct concealment/cover, tactical reloads, and low-light drills. Internet Crime (ImageScan)<sup>8</sup> training took place in May 2006. Financial Investigation training, provided by the Internal Revenue Service, took place in September 2005. Simunition<sup>9</sup> although planned for FY’05 had to be postponed until June of 2006. The unit also participated in Defensive Tactic scenario based training in January 2006.*

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<sup>8</sup>ImageScan is a Linux-based software developed by the Federal Bureau of Investigations to assist line officers in reviewing offender’s computer hard drives in a forensically safe manner for contraband images such as child pornography.

<sup>9</sup>Simunition is a trademark name for a marking cartridge that is fired from modified firearms to assist officers in real time scenario based training.

## **AUTOMATION**

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As the effects of cost-containment continued to challenge the office with finding new and more innovative ways to carry out the office's mission, the creative utilization of new automation programs became essential. The Automation Unit, which is shared with the Clerk's Office, was vital in bringing these new tools to reality for the office.

During FY '05, the cost-containment impact, coupled with what was still a rising level in active cases, made it apparent that certain tasks that were being handled manually might be better served if they were more fully automated. This would allow for the district to reclassify personnel to more effectively meet our mission to the Court. Specifically, the district's call-in program was such a program that was suitable for automating. This move would allow the district to take the position that was held by Drug Technician Steve Hankard and reclassify that position to assist in another area of the office, thereby increasing office efficiency through effective utilization of available staff.

After review of several automated drug call-in programs being utilized around the country, the program utilized by the U.S. Probation Office in the Northern District of New York was chosen as the program that would best suit the needs of the district and cause minimal disruption with the current methodology as possible.

During the remainder of FY '05, Donnamarie Duffin, Information Technology Administrator for the U.S. District Court, worked with Deputy Chief Clay Foster in working out the time table for the purchasing of the necessary hardware and software components needed. During this time frame, it was also learned that Drug Technician Steve Hankard had decided to tender his resignation effective September 30, 2005, therefore, a turn-key date was established to follow Steve's departure.

During the latter part of FY '05, the Automation unit purchased the computer, telephony card<sup>10</sup> and the additional software that was needed. The need for Ms. Duffin to take a course in Cold Fusion (TM), the programming language utilized in the development of the system, was established early on; however, the only problem faced was trying to find a date/location for training that was convenient to her work schedule. This training was eventually scheduled for the first week of November 2005. It was determined, however, that this would not delay the implementation of the new call-in program.

In addition to the above, IT was busy upgrading a multitude of systems during 2005. The most notable upgrades were CM/ECF versions 2.2, 2.3, 2.4, 2.5; JMS version 5.3; Elmo version 5.26; Adobe Reader versions 7.0, 7.03, 7.05, 7.07; Adobe Acrobat versions 6.03, 7.0; PACTS<sup>ecm</sup> version 3.3, and upgrading both the operating system to XP and the Faxserver software to version 8.1.

## **TRAINING**

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The U.S. Probation and Pretrial Services Office for the District of New Hampshire is committed to pursuing proactive change and continuous improvement, as well as offering the opportunity for each staff member

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<sup>10</sup>It was determined that the exact telephony card being utilized by the ND/NY no longer was produced so a substitute card was purchased.

to continue his/her professional development. Training needs in the District are determined on a yearly basis through surveys of staff, the changing population of offenders, and the individual career goals of staff members.

Office safety as a whole, as well as officer safety, continue to be in the forefront of training priorities. During FY '05, the District of New Hampshire's firearm program saw significant change. As noted in last year's annual report, Supervising U.S. Probation Officer James Bernier assumed the District Firearm responsibilities. One of SUSPO Bernier's first moves was to increase the efficiency of the firearm program by bringing on two Assistant Firearm Instructors and creating a Firearms Team. U.S. Probation Officers Paul Daniel and Christopher Pingree were selected as Assistant Firearm Instructors. The District plans to have both of these officers attend the full two week District Firearms Program at our agency's training academy in Charleston, SC as soon as possible. The District's defensive tactics program ran training in October 2004. The District continued to utilize the FJTN broadcasts and augment our local training as we have in the previous year. Realistic scenario based training continues to be the important aspect for our officer safety program.

In addition, due to the specific needs of the offender population, substance abuse issues continued to be the source of many training hours, as well as programs designed to address the increasing population of mentally challenged offenders. These specialized needs were the subject of several training programs offered by the FJTN and viewed by office staff.

In recognition of the changing needs in our skill levels, many officers took part in the on-going FJC Financial Investigation Series during the year. Further, many officers took part in an IRS Financial Investigative Techniques two-day training seminar at UNH.

For the first time in several years, the district found itself in a financial position to participate in an off site office training during the Spring of 2005. In conjunction with the U.S. Probation Office for the District of Maine, the office staff participated in a day and a half of training in North Conway, NH. The training consisted of *Stress Management*, a *Critical Incident Stress Management (CISM) Team Overview* presentation, and *Testifying Skills*. Assistant U.S. Attorney Donald Feith and Assistant Federal Public Defender Bjorn Lange graciously offered their time and expertise in the testifying portion of this training.

The CISM Team continued to receive training on a regional basis to improve the services provided to other probation offices, as well as the community, when critical incidents arise. During FY '05 the team received training in *Assisting Individuals in Crisis*. In addition, in March 2005, the CISM Team was activated to assist with a critical incident in one of our neighboring districts.

Automation needs and training continued throughout the year, as did attendance at special conferences for guideline applications, leadership skills, and monetary crimes. Two members of the presentence unit were once again able to attend the National Sentencing Guidelines Training sponsored by the U.S. Sentencing Commission and the Federal Bar Association held in Miami, Florida in May 2005. In addition, we were able to send our newest hire to New Officer Orientation in Washington, DC in September 2005.

The office continues to encourage officers to participate in personal development training as well by participating in various FJC sponsored programs such as the *Leadership Development Program*, *Foundations in Management*, among others. Currently, two officers are involved in the Leadership Development program and another is enrolled in the Foundations of Management program.

## EMPLOYEE RECOGNITION

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During FY '05, and consistent with the recommendations of the year's peer-based Employee Recognition Committee, Chief Thomas K. Tarr cited the following staff member for their outstanding work:

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### **Kristin M. Cook - Chief's Award for Sustained Superior Performance**

In FY '05, U.S. Probation Officer Kristin M. Cook was recognized by her co-workers for her continued pursuit of excellence and dedication. In a growing era of cost-containment constraints and burgeoning caseloads, Kristin maintained a positive, "Let's get the job done!" attitude. Kristin, as well, assumed the point-of-contact position with Southeast New Hampshire Services (SENHS) in Dover. This included insuring that SENHS was properly supplied, conducting referrals and on-site monitoring. As one nomination form put it, "...[K]ristin's 'ownership' of the SENHS program and willingness to be involved in the day-to-day maintenance of that contract has been a huge asset to this office...." Kristin was also cited for her "team player" attitude. Another nomination form noted Kristin's willingness to assist other officers, regardless of her own current workload, as an additional example of her exemplary work ethic.